

Monday, June 01, 2009

Division Two

A120727 – The People, v. LaFonzo Ray Turner.

The judgment is affirmed. Kline, P.J., We Concur: Haerle, J., Richman, J. (Not for Publication.)

Division Five

A122799 – In re H.H., a Person Coming Under the Juvenile Court Law. The People, v. H.H.

By The Court: Good cause have been shown, the written opinion which was filed April 30, 2009, has now been certified for publication pursuant to Rule 8.1105(b) of the California Rules of Court, and it is therefore ordered that it be published in the official reports. Jones, P.J.

Tuesday, June 02, 2009

Division One

A120569 – Wajih Ajib, v. City of San Rafael.

By The Court: The petition for rehearing is denied. Marchiano, P.J.

Division Two

A120169 – Ronald Vanderheiden, v. City of Alameda.

The judgment is reversed as to the discriminatory discharge claim. Richman, J., We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Division Three

A122934 – James R. Randono et al., v. Jean Marie Gerards.

The appeal is dismissed. Pollak, J., We Concur: McGuiness, P.J., Siggins, J. (Not for Publication.)

A123376 – The People, v. Felix Camelino Paz.

The judgment is affirmed. McGuiness, P.J., and Siggins, J., concurred. (Not for Publication.)

Tuesday, June 02, 2009(Continued)

A122974 – Estate of Ervin L. Smith, Deceased. Stacy M. Smith, v. Verdell Smith Johnson.

The order removing Smith as administrator of the decedent's estate is affirmed. Johnson shall recover her costs on appeal. McGuiness, P.J., and Jenkins, J., concurred. (Not for Publication.)

A122315 – In re A.M., a Person Coming Under the Juvenile Court Law. The People, v. A.M.

The judgment is affirmed and the matter is remanded to the juvenile court to correct the dispositional order to reflect no maximum term of confinement. McGuiness, P.J., and Siggins, J., concurred. (Not for Publication.)

Division Five

A119754 – The People, v. Donald William McDowell.

Because we find no error, we do not address appellant's contention that the *Chapman*¹ standard, requiring proof beyond a reasonable doubt that error was harmless, would apply. The judgment is affirmed. Bruiniers, J.² We Concur: Jones, P.J., Simons, J. (Not for Publication.)

¹ *Chapman v. California* (1967) 386 U.S. 18.

² Judge of the Contra Costa County, Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Wednesday, June 3, 2009

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, Presiding Justice, Margulies, Justice, Graham, Judge of the Marin County Superior Court [Ret.], assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution, Raquel Arellano, Deputy Clerk, and CHP Officer Jeff Borgen, Bailiff.

- A119065 Jim Petropoulos,
v.
Department of Real Estate of the State of California.
Cause called and argued by Gary Garfinkle, counsel for appellant, and Kristian Whitten, counsel for respondent. Cause ordered submitted.
- A119756 Elaine Chiu,
v.
Shi Hyun Kim.
Cause called and argued by Russell Brasso, counsel for appellant, and Thomas Hartnett, counsel for respondent. Cause ordered submitted.
- A120924 Jossie Alegre,
v.
City and County of San Francisco.
Cause called and argued by Daniel Bacon, counsel for appellant, and Erik Rapoport, counsel for respondent. Cause ordered submitted.
- A124013 W. Wong Construction Co., Inc.,
v.
The Superior Court of the City and County of San Francisco;
Watt Kin Yuen et al.
Cause called and argued by Mattaniah Eytan, counsel for petitioner, and Albert Lee, counsel for real parties in interest. Cause ordered submitted.

Court adjourned until Thursday, June 4, 2009 @ 9:00 a.m.

Wednesday, June 3, 2009(Continued)

Division Two

A120770 – The People, v. Edward Lindsey.

The judgment is affirmed. Lambden, J., We Concur: Kline, P.J., Richman, J.
(Not for Publication.)

Division Four

A119854 – The People, v. Loren Matthew Dennis.

The judgment is affirmed. Rivera, J., We Concur: Reardon, Acting P.J.,
Sepulveda, J. (Not for Publication.)

A120081 – The People, v. Marcus D. Washington.

The judgment is affirmed. Rivera, J., We Concur: Ruvolo, P.J., Reardon, J. (Not
for Publication.)

Division Five

A121715 – The People, v. James Doyle Henson.

The judgment is affirmed. Jones, P.J., We Concur: Simons, J., Bruiniers, J.³
(Not for Publication.)

Thursday, June 4, 2009

Division One

**A124442 – K.B., v. Sonoma County Superior Court, Sonoma County Human
Services Department et al., R.P.I.**

By The Court:⁴ The request of real party in interest Sonoma County Human
Services Department to deny the petition summarily due to improper or defective

³ Judge of the Superior Court of Contra Costa County, assigned by the Chief Justice pursuant to article, VI, section 6
of the California Constitution.

service, is denied. (See Cal. Rules of Court, rule 8.456(i)(1).) Opposition by real parties in interest shall be served and filed in accordance with the Order to Show Cause issued in this proceeding on June 1, 2009. (See Cal. Rules of Court, rule 8.454(d).) Marchiano, P.J.

⁴ Before Marchiano, P.J., Margulies, J., and Graham, J. (Judge of the Marin County Superior Court [Ret.], assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution).

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Thursday, June 4, 2009

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, Presiding Justice, Margulies, Justice, Graham, Judge of the Marin County Superior Court [Ret.], assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution., Fred Abad, Deputy Clerk, and CHP Officer Jeff Borgen, Bailiff.

- A121610 Loretta Figueroa,
v.
Pacific Dental Associates.
Cause called and argued by Arthur Siegel, counsel for appellant, and Brian Carter, counsel for respondent. Cause ordered submitted.
- A118980 People,
v.
Thomas Applegate.
Cause called and argued by Marylou Hillberg, counsel for appellant, and Mark Howell, counsel for respondent. Cause ordered submitted.
- A122580 People,
v.
M.S.
Cause called and argued by Lisa Romo, counsel for appellant, and Jeffrey Bryant, counsel for respondent. Cause ordered submitted.
- A122365 Jolene Winston,
v.
Gary Winston.
Cause called and argued by Bernard Wolf, counsel for appellant, and Robert Roth, counsel for respondent. Cause ordered submitted.
- A122629 Joe Abuzaid et al.,
v.
Pier 39.
Cause called and argued by Jon Eisenberg, counsel for appellant, and Raoul Kennedy, counsel for respondent. Cause ordered submitted.

Continued

A120176 Marcia Ewing

v.

Title Trust Deed Service Co. et al.

Cause called and argued by Craig Martin, counsel for appellant, and Joan Spaeder-Youngkin, counsel for respondent via teleconference. Cause ordered submitted.

Court adjourned.

Thursday, June 4, 2009(Continued)

Division Two

A122453 – John Doe, v. WCP I, LLC.

The judgment is affirmed. Kline, P.J., We Concur: Haerle, J., Richman, J. (Not for Publication.)

A121112 – John Doe, v. WCP I, LLC.

The judgment is affirmed. Kline, P.J., We Concur: Haerle, J., Richman, J. (Not for Publication.)

A122721 – The People, v. Thurmaine Walls.

The judgment is affirmed. Kline, P.J., We Concur: Haerle, J., Richman, J. (Not for Publication.)

Division Four

A121635 – Willie Adams, v. City and County of San Francisco.

The judgment is affirmed. Reardon, J., We Concur: Ruvolo, P.J., Rivera, J. (Not for Publication.)

Friday, June 5, 2009

Division Five

A121091 – The People, v. Caleb James Flitcroft.

The judgment is affirmed. Needham, J., We Concur: Simons, Acting P.J., Bruiniers, J.⁵ (Not for Publication.)

Monday, June 8, 2009

⁵ Judge of the Superior Court of Contra Costa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Division Four

A120752 – Airport Commuter Limousine and Sedan Service, Inc., v. Yasser F. Albazian et al.

Monday, June 8, 2009(Continued)

The judgment is affirmed. Sepulveda, J., We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication.)

Division Five

A118592 – Sheryl Fernandez, v. Bill Beaton.

The judgment is affirmed. Beaton is to recover his costs on appeal. Jones, P.J., We Concur: Simons, J., Needham, J. (Not for Publication.)

Tuesday, June 9, 2009

Division Four

A122316 – In re Willis D., a Person Coming Under the Juvenile Court Law. San Francisco Department of Human Services, v. Antonia G.

The order appealed from is affirmed. Rivera, J., We Concur: Ruvolo, P.J., Reardon, J. (Not for Publication.)

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR

Tuesday, June 9, 2009

The court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, San Francisco, California. Present: Reardon, Acting P.J., Sepulveda, J.; and Rivera, J.; Channing Hoo, Deputy Clerk; CHP Officer Jeff Borgen, Bailiff.

A121766 People
 v.
 Jerry Wayne Baker
Cause called. Eric Liberman teleargued for appellant Baker. Christina vom Saal argued for respondent. Cause submitted.

Court adjourned at 9:35 a.m.

Tuesday, June 9, 2009(Continued)

Division Five

A122045 – The People, v. Shane Christopher Edwards.

The orders revoking probation are affirmed. Jones, P.J., We Concur: Simons, J., Bruiniers, J.⁶ (Not for Publication.)

A121239 – The People, v. Dante Deshan Primus.

The judgment is affirmed. Bruiniers, J.⁷ We Concur: Simons, Acting P.J., Needham, J. (Not for Publication.)

A123068 – In re K.C., a Person Coming Under the Juvenile Court Law. Contra Costa County Children & Family Services Bureau et al., v. Megan G.

The judgment is affirmed. Needham, J., We Concur: Jones, P.J., Simons, J. (Not for Publication.)

Wednesday, June 10, 2009

Division One

A118980 – The People, v. Thomas Arthur Applegate.

The abstract of judgment is ordered to be corrected to indicate that Applegate was convicted of attempted murder, not “attempted murder, 2nd degree.” In all other respects, the judgment is affirmed. Marchiano, P.J., We Concur: Margulies, J., Graham, J.⁸ (Not for Publication.)

A120924 – Jossie Alegre, v. Public Utilities Commission et al.

The judgment is affirmed. City shall recover its costs on appeal. Marchiano, P.J., We Concur: Margulies, J., Graham, J.⁹ (Not for Publication.)

⁶ Judge of the Superior Court of Contra Costa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

⁷ Judge of the Contra Costa County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

⁸ Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

⁹ Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Division Two

Wednesday, June 10, 2009(Continued)

A120298 – The People, v. Lamar Donnell Kirkland.

The judgment is affirmed. Haerle, J., We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

A123874 – In re Martin Barragan – Mendoza, on Habeas Corpus.

The writ is denied. Lambden, J., We Concur: Kline, P.J., Richman, J. (Not for Publication.)

A120455 – In re Martin Barragan – Mendoza, on Habeas Corpus.

The writ is denied. Lambden, J., We Concur: Kline, P.J., Richman, J. (Not for Publication.)

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

Wednesday, June 10, 2009

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: McGuiness, P.J., Pollak, J., and Jenkins, J.; and F. Castuera, Deputy Clerk.

A116957 MCCE Development et. al.,
A120137 v.

City of Novato.

Cause called and argued by Scott Philips, counsel for appellant, and Michael Senneff, counsel for respondent. Cause ordered submitted.

A122992 Ronnie Watkins et. al.,
A123320 v.

County of Alameda et. al.

Cause called and argued by Andrew Massey, counsel for appellant, and Judith Gold, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, McGuiness, P.J. left the bench and Siggins, J. joined the bench. Pollak, J. presided the rest of the cases.

A119781 The People,
v.

Christopher Sean Hill.

Cause called and argued by William Such, counsel for appellant, and John Vance, counsel for respondent. Cause ordered submitted.

A120349 The People,
v.

Ian Cook et al.

Cause called and argued by Matthew Wilson, counsel for appellant Bradley Seibert, and John Vance, counsel for respondent. Cause ordered submitted.

A122389 C2PM Inc.,
v.

Kenneth Young.

Cause called and argued by Gaspar Garcia, counsel for appellant, Vanessa Spear, counsel for respondent, Cause ordered submitted.

ADJOURNED

Wednesday, June 10, 2009(Continued)

Division Four

A120335 – The People, v. Antoine Ramont Carruth.

The judgment is affirmed. Reardon, Acting P.J., We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

A123759 – Zula, LLC, v. Tsegai Haile.

The purported appeals are dismissed. Reardon, J., We Concur: Ruvolo, P.J., Rivera, J. (Not for Publication.)

A119420 – The People, v. Achi Ben Shalom.

A122367 – In re Achi Ben Shalom, on Habeas Corpus.

The judgment is reversed based on the grounds argued in appellant's appeal. Appellant's petition for writ of habeas corpus is dismissed as moot. Ruvolo, P.J., We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

Division Five

A121230 – Conservatorship of the Person and Estate of Ruth A. Copley. Marin County Public Guardian, v. Alicia Antone, San Francisco Ballet Endowment Foundation et al.

The order is affirmed. Jones, P.J., We Concur: Needham, J., Bruiniers, J.¹⁰ (Not for Publication.)

A118739 – The People, v. Edmundo Adaylton Martell.

The conviction on count three, negligently discharging a weapon under section 246.3, is reversed. The convictions on counts one and two, assault with a semiautomatic firearm under section 245, subdivision (b), and shooting from a motor vehicle under section 12034, subdivision (c), are affirmed. The case is remanded for resentencing on counts one and two and the firearm use enhancement. Needham, J., We Concur: Jones, P.J., Bruiniers, J.¹¹ (Not for Publication.)

¹⁰ Judge of the Superior Court of Contra Costa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

¹¹ Judge of the Superior Court of Contra Costa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Thursday, June 11, 2009

Thursday, June 11, 2009(Continued)

Division One

A124013 – W. Wong Contruction Co., Inc., v. The Superior Court of The City and County of San Francisco, Watt Kin Yuen et al., R.P.I.

W. Wong Construction Co. shall recover its costs. Graham, J.¹² We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

Division Two

A122477 – The People, v. Karl Weatherspoon.

The order revoking appellant's probation and executing the previously imposed prison sentence is affirmed. Kline, P.J., We Concur: Haerle, J., Lambden, J. (Not for Publication.)

A119735 – The People, v. Cynthia Dumas-Violette.

The judgment is affirmed. Richman, J., We Concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

A121654 – In re the Marriage of Wensen and Mervin Mark Sarchet. Mervin Mark Sarchet, v. Wensen Tang Sarchet.

The March 24, 2008, order is reversed. This case is remanded to the trial court for further proceedings consistent with the foregoing and our opinion in *Sarchet I*. Each party is to bear their own costs on appeal. Haerle, J., We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

Division Five

¹² Retired judge of the Superior Court of Marin County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A118806 – JPMorgan Chase Bank, N.A., as Trustee etc., v. City and County of San Francisco et al.

The judgment is affirmed. Respondents are entitled to costs on appeal. Needham, J., We Concur: Jones, P.J., Simons, J. (Certified for Publication.)

A120481 – Patricia Dobashi, v. R. Stephen Goldstein.

The judgment is affirmed. Each side is to bear its own costs on appeal.¹³ Bruiniers, J.¹⁴ We Concur: Jones, P.J., Simons, J. (Not for Publication.)

Thursday, June 11, 2009(Continued)

A120417 – The People, v. Prentist Ivory, JR.

The judgment is affirmed. Bruiniers, J.¹⁵ We Concur: Jones, P.J., Simons, J. (Not for Publication.)

Friday, June 12, 2009

Division One

A119926 – The People, v. Alberto Chavez.

Accordingly, the concurrent sentence of 16 months on Count 2 is reversed, and the case is remanded to the trial court for resentencing on that count. In all other respects the judgment is affirmed. Graham, J.¹⁶ We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

A122580 – In re M.S., a Person Coming Under the Juvenile Court Law. The People, v. M.S.

The dispositional order is affirmed. Margulies, J., We Concur: Marchiano, P.J., Graham, J.¹⁷ (Certified for Publication.)

¹³ California Rules of Court, rule 8.276(c) required this court to “give notice in writing if it is considering imposing sanctions.” We were not, and accordingly did not give notice or allow filing of opposition.

¹⁴ Judge of the Contra Costa Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

¹⁵ Judge of the Contra Costa County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

¹⁶ Retired judge of the Superior Court of Marin County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

¹⁷ Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Division Five

A120100 – The People, v. Peter Gutierrez, Jr.

The judgment, including the order requiring appellant to register as a sex offender under section 290.006 is affirmed. Needham, J., We Concur: Jones, P.J., Simons, J. (Not for Publication.)

Monday, June 15, 2009

Division One

Monday, June 15, 2009(Continued)

A121824 – The People, v. Marcus Masellus Tuuhetoka.

The judgment is confirmed. Margulies, J., We Concur: Marchiano, P.J., Graham, J.¹⁸ (Not for Publication.)

A121390, A122619 – Americans for Safe Access et al., v. County of Alameda et al.

By The Court: The opinion in the above-entitled matter filed on May 22, 2009, was not certified for publication in the official reports. After the court's review of requests under California Rules of Court, rule 8.1120 and good cause established under Rule 8.1105, it is hereby ordered that the opinion should be partially published in the Official Reports. Marchiano, P.J. (Certified for Partial Publication.)

A121308 – In re the Marriage of Joshua Sakov and Ester Adut. Joshua Sakov, v. Ester Adut.

The order denying appellant's claim to the child support payment that was due on March 15, 2004, is vacated and remanded for reconsideration consistent with this opinion. In all other respects the orders appealed from are affirmed. Graham, J.¹⁹ We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

Division Two

¹⁸ Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

¹⁹ Retired judge of the Superior Court of Marin County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A121060 – The People, v. Dennis Lamont Miller.

The abstract of judgment shall be corrected to reflect a four-year concurrent term on count two, consisting of the three-year middle term plus one year for the enhancement on that count. As so corrected, the judgment is affirmed. Kline, P.J., We Concur: Lambden, J., Richman, J. (Not for Publication.)

Division Four

A120368 – The People, v. Alex Ivey.

The judgment is affirmed. Sepulveda, J., We Concur: Ruvolo, P.J., Reardon, J. (Not for Publication.)

A119676 – The People, v. David Montgomery.

Monday, June 15, 2009(Continued)

The judgment is affirmed. Rivera, J., We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

Division Five

A121310 – Kathleen Keating Verniest, v. Betty LeDonne.

The order granting Verniest's motion to disqualify Gale and Thompson is affirmed. Verniest's motion for sanctions is denied. Verniest shall recover her costs on appeal. Jones, P.J., We Concur: Simons, J., Needham, J. (Not for Publication.)

Tuesday, June 16, 2009

Division One

A117853, A119292 – The People, v. Tomelia Dillon et al.

The trial court is directed to (1) correct Hall's abstract of judgment to reflect that he was convicted of the lesser included offense of assault with intent to commit sexual penetration by a foreign object, rather than of the charged offense of sexual penetration by a foreign object; (2) correct Dillon's abstract of judgment and the clerk's minutes of

April 23 and April 25, 2007 to reflect that (i) Dillon was convicted of grand theft from the person, a lesser included offense of robbery as charged in count III, rather than count VI; and (ii) that the six-month county jail term imposed upon Dillon for misdemeanor battery, as charged in count V, be served consecutively rather than concurrently with the prison term for all other counts; and (3) forward copies of the amended abstract of judgment corrections specified in the nonpublished part of this opinion, the judgments against Hall and Dillon are affirmed. Margulies, J., We Concur: Marchiano, P.J., Graham, J.²⁰ (Certified for Partial Publication.)

²⁰ Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

MINUTES

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION TWO

Tuesday, June 16, 2009

The Court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Kline, P.J., Haerle, J., Richman, J., Officer Franklin and S. Wheeler, Deputy Clerk.

A121600 The People,
 v.
 Ronna Ronnelle Meyer.
Cause called and argued by Peggy Ann Headley, counsel for appellant, and Deputy Attorney General, Gregg Zywicke, counsel for respondent. Cause ordered submitted.

A121620 Alva Ransford et al.,
 v.
 AC and S, Inc. et al.
Cause called and argued by Ted W. Pelletier, counsel for appellants, and Larry D. Ottaway counsel for respondents. Cause ordered submitted.

Court recessed until 1:30 p.m.

MINUTES

CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION TWO

Tuesday, June 16, 2009

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Kline, P.J., Lambden, J., Richman, J., Officer Borgen, and S. Wheeler, Deputy Clerk.

At the beginning of the proceedings, Presiding Justice Kline announced that he is on the panel for the first case only and that Justice Haerle would be presiding over remainder of the cases.

A120953 In re Vincent D., a Person Coming Under the Juvenile Court Law.
The People,
v.
Vincent D.
Cause called and argued by Ann Hanson Mania, counsel for appellant, and Deputy Attorney General, Ronald E. Niver, counsel for respondent. Cause ordered submitted.

At this point of the proceedings, Presiding Justice Kline left the bench and Justice Haerle joined the bench for the remainder of the calendar.

A119144 The People,
v.
Tranell Calvin Holmes.
Cause called and argued by appellant David McNeil Morse, counsel for appellant, and Deputy Attorney General, Dorian Jung, counsel for respondents. Cause ordered submitted.

A120049 Sequoia Park Associates,
v.
County of Sonoma.
Cause called and argued by Elliott Lewis Bien, counsel for appellant, Deputy County Counsel, Sue A. Gallagher, counsel for respondent, Linda Sue Loftin, counsel for amici curiae Rancho Sonoma Partners LLC et al. (permission to participate in oral argument granted at proceedings), and William Wynder, counsel for amici curiae for respondent California State

Association of Counties et al. Cause ordered submitted.

A120845

John Elkins,

v.

Judith Ann Haire.

Cause called and argued by John Elkins, appearing in propria persona, and Patrick Macias, counsel for respondent. Cause ordered submitted.

Court Adjourned.

Tuesday, June 16, 2009(Continued)

Division Three

A124022 – The People, v. Patrick R. Redmill.

The judgment is affirmed. The trial court is directed to correct the abstract of judgment to show that the second restitution fine is imposed pursuant to section 1202.45 and is suspended until such time as parole is revoked. The court shall forward a certified copy of the corrected abstract of judgment to the Department of Corrections and Rehabilitation. Jenkins, J., We Concur: McGuiness, P.J., Pollak, J. (Not for Publication.)

A120349 – The People, v. Ian Cook et al.

The judgment is affirmed. Siggins, J., and Jenkins, J., concurred. (Not for Publication.)

A124553 – Daniel Gustavo Ilario, v. The Superior Court of Alameda County, Daniel Andre Ignacio, R.P.I.

The abbreviated *Palma* procedure is appropriate “when petitioner’s entitlement to relief is so obvious that no purpose could reasonably be served by plenary consideration of the issue.” (*Ng v. Superior Court* (1992) 4 Cal.4th 29, 35; see also *Lewis v. Superior Court* (1999) 19 Cal.4th 1232, 1236-1237, 1240-1241.) Here the informal briefing has fully addressed the relevant issues. Furthermore, this accelerated procedure minimizes the potential for delaying the proceedings in the trial court to accommodate the additional discovery. Consequently, let a peremptory writ of mandate issue commanding respondent superior court to vacate its order of February 9, 2009, granting the motion to quash the subpoenas and to enter a new and different order denying that motion and requiring the production of the blood sample for the limited purpose of testing for drugs of abuse under such conditions as the trial court may impose. McGuiness, P.J., and Siggins, J., concurred. (Not for Publication.)

Division Four

A121766 – The People, v. Jerry Wayne Baker.

The judgment is affirmed. Sepulveda, J., We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication.)

A123129 – The People, v. Demetrius Bairfield.

The judgments are affirmed. Sepulveda, J., We Concur: Ruvolo, P.J., Rivera, J. (Not for Publication.)

A123275 – The People, v. Anthony Sicre.

Tuesday, June 16, 2009(Continued)

The order is affirmed. Sepulveda, J., We Concur: Ruvolo, P.J., Reardon, J. (Not for Publication.)

A120971 – Air China Limited, v. San Mateo County.

By The Court: The petition for rehearing filed by appellant on June 4, 2009, is denied. The opinion filed herein on May 20, 2009, is ordered modified on page 4 to delete the second full paragraph, beginning “Here, as a threshold matter . . .” and footnote 2, and to substitute the following: “Here, the question of whether the County’s tax on Air China’s possessory interests in landing rights and leasehold improvements at the Airport meets the statutory requirements of section 107 was not disputed in the trial court and is not before us. Air China, however suggests in its reply brief that the County is prohibited from imposing any property taxes because it does not own any property at the Airport and its use of the terminal space, taxiways, and runways is not exclusive. While it does not make this argument in the context of the exclusivity requirement of section 107, it is well settled that shared use of property with others affects only the valuation of the possessory interest and does not defeat the exclusivity requirement of section 107. (*Korean Air Lines Co., supra*, 162 Cal.App.4th at p. 569.)” There is no change in the judgment. Ruvolo, P.J. (Certified for Publication.)

A121878 – The People, v. Luis Sandoval Navarro.

The judgment is affirmed. Reardon, Acting P.J., We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

Wednesday, June 17, 2009

Division Two

A118254 – Lisa Hernandez, v. Vitamin Shoppe Industries Inc., Jeffrey Spencer.

A120640 – Janine Perry et al., v. Vitamin Shoppe Industries Inc., Andrew Shatz.

We affirm the trial court's orders and judgment, except that we reverse the trial court's ruling that Spencer pay sanctions of \$1,700 to class counsel and \$9,412.50 to Vitamin Shoppe's counsel. Appellants are to pay costs of both appeals. Lambden, J., We Concur: Kline, P.J., Richman, J. (Certified for Publication.)

Division Three

**A123292 – In re G.H., a Person Coming Under the Juvenile Court Law.
Mendocino County Department of Health and Human Services, v. S.B., et al.**
Wednesday, June 17, 2009(Continued)

The juvenile court's order dispositional order is affirmed. McGuiness, P.J., We Concur: Pollak, J., Jenkins, J. (Not for Publication.)

A116957, A120137 – City of Novato, v. MCCE Development, LLC, et al.
The January 18, 2007, judgment is reversed to the extent it orders appellant George Morf to specifically perform obligations under Subdivision Improvement Agreement 1, as amended. The matter is remanded for further proceedings consistent with this opinion for the limited purpose of reconsidering the scope of the equitable remedy as to Morf. In all other respects, the January 18, 2007, judgment is affirmed. The September 30, 2007, order is reversed to the extent it requires appellant George Morf to pay attorney fees to respondent City of Novato. The matter is remanded for further proceedings consistent with this opinion for the limited purpose of reconsidering the amount of the City's attorney fee award in light of our disposition as to Morf. In all other respects, the September 30, 2007, attorney fee award is affirmed. Each party shall bear its own costs on appeal. McGuiness, P.J., We Concur: Pollak, J., Jenkins, J. (Not for Publication.)

Division Five

A121597 – The People, v. Michael George Tupper.
The judgment is affirmed. Jones, P.J., We Concur: Simons, J., Bruiniers, J.²¹
(Not for Publication.)

Thursday, June 18, 2009

²¹ Judge of the Superior Court of Contra Costa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Division One

A120176 – Marcia M. Ewing, v. Title Trust Deed Service Company et al.

The judgment is affirmed. TTD and Litton shall recover their costs on appeal. Marchiano, P.J., We Concur: Margulies, J., Graham, J.²² (Not for Publication.)

Division Four

A122390 – Citibank, N.A., v. William Yang et al.

The judgment is affirmed. Rivera, J., We Concur: Ruvolo, P.J., Reardon, J. (Not for Publication.)

Thursday, June 18, 2009(Continued)

A123098 – In re Clarence S., a Person Coming Under the Juvenile Court Law. Alameda County Social Services Agency, v. Derrick W.

The order terminating Father's parental rights is affirmed. Ruvolo, P.J., We Concur: Reardon, J., Rivera, J. (Not for Publication.)

A119448 – Victor Ruiz, Jr., etc., et al., v. California Highway Patrol.

The judgment is affirmed. Rivera, J., We Concur: Ruvolo, P.J., Reardon, J. (Not for Publication.)

²² Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

MINUTES
COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FIVE

Thursday, June 18, 2009

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Jones, P.J., Simons, J., Needham, Jr., J., Bruiniers, J.,* and Joshua Chow, Deputy Clerk.

A123034 Nancy Dow Moody,
v.
Peter D. Moody,
Cause called and argued by Samuel Kornhauser, counsel for appellant, and by Bernard Wolf, counsel for respondent. Cause ordered submitted.

A122709 Ramzy Ayyad et al.,
v.
Sprint Spectrum, L.P. et al.,
Cause called and argued by Daniel Howard Bromberg, counsel for appellant, and by Timothy Lawrence Fisher, counsel for respondent. Cause ordered submitted.

At this point in the proceedings Justice Bruiniers left the bench and Justice Simons entered.

A121650 Troy Richardson,
v.
Konstantinos Makris,
Cause called and argued by James Patrick Nichols, counsel for appellant, and by Kenneth Gorman, counsel for respondent. Cause ordered submitted.

At this point in the proceedings Justice Needham left the bench and Justice Bruiniers entered.

A120151 Michael T. Savage et al.,
v.
Bank of America,
Utility Consumers' Action Netowrk et al.

A120145 Renee Garvin et al.,
v.
Bank of America,
Utility Consumers' Action Netowrk et al.
Causes called and argued by L. Richard LeClair and Lawrence William Schonbrun, counsel for appellants, and by Pamela Mante Parker and Arne D. Wagner, counsel for respondents. Causes ordered submitted.

A121512 The People,
v.
Felipe Ramirez Valle,
Cause called and argued by David S. Krueger, counsel for appellant, and by Theresa Cruse,
certified law student, counsel for respondent. Cause ordered submitted.

At this point in the proceedings Justice Jones left the bench and Justice Needham entered.

A122927 Kyle Fitchner,
v.
Fremont Automobile Dealership,
Cause called and argued by Norman Charles LaForce, counsel for appellant, and by
Michael James Korda, counsel for respondent. Cause ordered submitted.

A115777 The People,
v.
Greshina Green,
Anissa L. Jordan,
Lenora Robinson,
Cause called and argued by John Francis McCabe II, Tara Maria Mulay, and Victor James
Morse, counsel for appellants, and by Bruce Ortega, counsel for respondent. Cause ordered
submitted.

A121147 Jennifer Lin,
v.
City Clerk of the City of Pleasonton,
Kay Ayala,
Cause called and argued by Benjamin Gross Shatz, counsel for appellant, and by Andrew
Sabey, counsel for respondent. Cause ordered submitted.

Court adjourned at 12:41 p.m.

*Judge from Contra Costa County Superior Court, assigned by the Chief Justice pursuant to
article VI, section 6 of the California Constitution.

Friday, June 19, 2009

Division Two

A116842 – The People, v. Raul Eduardo Reye Castaneda.

The judgment is affirmed. Richman, J., We Concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

Division Four

A122789 – The People, v. Walter Wiest.

The judgment is affirmed. Rivera, J., We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

A122560 – In re the Marriage of Kathleen V. Malone and Douglas M. Reilly. Kathleen V. Malone, v. Douglas M. Reilly.

The order is affirmed. Rivera, J., We Concur: Ruvo, P.J., Reardon, J. (Not for Publication.)

Monday, June 22, 2009

Division One

A122365 – In re the Marriage of Jolene and Gary M. Winston. Jolene Winston, v. Gary M. Winston.

The judgment is affirmed. Graham, J.²³ We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

Division Two

A121188 – The People, v. Jacques Maurice Champagne.

²³ Retired judge of the Superior Court of Marin County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

The judgment is affirmed. Lambden, J., We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

A123776 – In re N.S. et al., Persons Coming Under the Juvenile Court Law. Solano County Department of Health and Social Services, v. X.H.

The judgment is affirmed. Lambden, J., We Concur: Haerle, Acting P.J., Richman, J. (Not for Publication.)

Monday, June 22, 2009(Continued)

Division Three

A122389 – C2PM, Inc., v. Kenneth S. Young.

The judgment of Dismissal entered in favor of defendant Young is affirmed. Jenkins, J., We Concur: Pollak, Acting P.J., Siggins, J. (Not for Publication.)

A120529 – The People, v. Isidro Rojas Molina.

The judgment is affirmed. Siggins, J., We Concur: Pollak, Acting P.J., Jenkins, J. (Not for Publication.)

A123600 – In re T.P., a Person Coming Under the Juvenile Court Law. The People, v. T.P.

The dispositional order is affirmed. McGuiness, P.J., We Concur: Siggins, J., Jenkins, J. (Not for Publication.)

A121402 – The People, v. Edward Leiske.

Appellant's conviction for violating Health and Safety Code section 11366 is reversed, and the concurrent term imposed with respect to that conviction is vacated. The trial court is directed to amend the abstract of judgment accordingly and to send a certified copy of the amended abstract to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed. McGuiness, P.J., We Concur: Siggins, J., Jenkins, J. (Not for Publication.)

Division Four

A124738 – In re T.W., a Person Coming Under the Juvenile Court Law. A.B., v. Superior Court of The State of California, County of Humboldt, Humboldt County Department of Health and Human Services, R.P.I.

The petition is denied. The request for stay of the section 366.26 hearing, which is set for August 10, 2009, is denied, and our decision is final as to this court immediately. (Rule 8.264(b)(3).) Ruvolo, P.J., We Concur: Reardon, J., Rivera, J. (Not for Publication.)

Division Five

A118596 – Alameda Belt Line, v. City of Alameda.

The judgment is affirmed. The City of Alameda shall receive its costs on appeal. Bruiniers, J.²⁴ We Concur: Jones, P.J., Simons, J. (Not for Publication.)
Tuesday, June 23, 2009

Division One

A121308 – In re the Marriage of Joshua Sakov and Ester Adut. Joshua Sakov, v. Ester Adut.

By The Court: It is ordered that the opinion filed herein on June 15, 2009, be modified in the following particulars: 1. On page 6, second full paragraph, the first line, the word “to.0” is modified by deleting “.0” The sentence will now read: We observe appellant does not provide a citation to the record in which she argued to the trial court that her claim was supported by Family Code section 4062. There is not change in the judgment. Marchiano, P.J. (Not for Publication.)

A121838 – Emily Jones Larsen et al., v. Nissan North America, Inc., et al.

The judgment of the trial court is affirmed. Margulies, J., We Concur: Marchiano, P.J., Graham, J.²⁵ (Not for Publication.)

A121610 – Loretta Figueroa, v. Pacific Dental Associates.

The judgment of the trial court is affirmed. Margulies, J., We Concur: Marchiano, P.J., Graham, J.²⁶ (Not for Publication.)

A121783 – In re the Marriage of Joshua Sakov and Ester Adut. Joshua Sakov, v. Ester Adut.

²⁴ Judge of the Contra Costa County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

²⁵ Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

²⁶ Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

The orders are affirmed. Graham, J.²⁷ We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

Division Two

A120528 – The People, v. Cesar Augusto King.

The judgment is affirmed. Haerle, J., We Concur: Kline, P.J., Richman, J. (Not for Publication.)

A119144 – The People, v. Tranell Calvin Holmes.

The judgment is affirmed. Haerle, Acting P.J., We Concur: Lambden, J., Richman, J. (Not for Publication.)

Tuesday, June 23, 2009(Continued)

A122193 – In re Shaun V., a Person Coming Under the Juvenile Court Law. The People, v. Shaun V.

The June 4, 2008 order ordering appellant to pay restitution to the Perrys in the amount of \$36,696 is affirmed. Richman, J., We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

Division Three

A122996 – Greg Mayon et al., v. City and County of San Francisco.

The appeal is dismissed, with costs to the City. McGuiness, P.J., We Concur: Pollak, J., Siggins, J. (Not for Publication.)

A123350 – The People, v. John Kelly.

The judgment is affirmed. McGuiness, P.J., We Concur: Pollak, J., Siggins, J. (Not for Publication.)

Division Four

²⁷ Retired judge of the Superior Court of Marin County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

**A124500 – In re Steven O., a Person Coming Under the Juvenile Court Law.
San Francisco Department of Human Services, v. T.T.**

The appeal is dismissed. Reardon, J., We Concur: Ruvolo, P.J., Sepulveda, J.
(Not for Publication.)

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR

Tuesday, June 23, 2009

The court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, San Francisco, California. Present: Ruvolo, P.J., Reardon, J., and Rivera, J.; Channing Hoo, Deputy Clerk; CHP Officer Jeff Borgen, Bailiff.

A120424 People
 v.
 Qi Xin Kuang
Cause called. Stuart Hanlon argued for appellant Kuang. Violet Lee
argued for respondent. Cause submitted.

At this point, the court reconstituted itself to include Ruvolo, P.J., Reardon,
J., and Sepulveda, J.

A121195 People
 v.
 Christopher Lee Osborne
Cause called. Clifford Stanley argued for appellant Osborne. John Deist
argued for respondent. Cause submitted.

A119808 Natalia A. Sidiakina
A120069 v.
 Siamak Navid
Causes called. In pro per appellant Natalia Sidiakina argued. James
Benoit teleargued for respondent. Causes submitted.

At this point, the court reconstituted itself to include Ruvolo, P.J., Reardon,
J., and Rivera, J.

A121766 People
 v.
 Shawna Lea Brown
Cause called. Barry M. Karl argued for appellant Brown. In the presence
of Deputy Attorney General Allan Yannow, certified law student Michael
Andersen argued for respondent. Cause submitted.

A122156 Starla Cooper
 v.
 Golden Gate Reporters
Cause called. Jeffrey A. Moss argued for appellant Cooper. Frank
Mulberg argued for respondent. Cause submitted.

At this point, the court reconstituted itself to include Ruvolo, P.J.,
Sepulveda, J., and Rivera, J.

A123221 Orlando Tolbert et al.
 v.
 John Kieran Hines
Cause called. In pro per appellant Kim Tolbert argued. Jon P. Rankin
argued for respondent. Cause submitted.

Court recessed at 10:58 a.m.

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR
Tuesday, June 23, 2009

The Court convened at 1:30 p.m. in its courtroom located at 350 McAllister St., San Francisco, California. Present: Ruvolo, P.J., Sepulveda, J., and Rivera, J.; Annie Reasoner, Deputy Clerk; CHP Officer Jeff Borgen, Bailiff.

A122872 In re Marriage of Shonfeld
Susan Shonfeld
v.
Trevor Shonfeld
Cause called. Trevor Shonfeld, in propria persona, argued on his own behalf. Jason Horst argued for respondent Susan Shonfeld. Cause submitted.

At this point, Rivera, J. left the bench and Reardon, J. joined the bench. Argument continued before Ruvolo, P.J., Reardon, J. and Sepulveda, J.

A122713 Mark Blackwood
v.
Nancy Wilcox, et al
Cause called. Mark Clausen argued for appellant Blackwood. Daniel Beck argued for respondent Wilcox. Cause submitted.

At this point, Sepulveda, J. left the bench and Rivera, J. rejoined the bench. Argument continued before Ruvolo, P.J., Reardon, J., and Rivera, J.

A122896 North Bay Regional Center
v.
Virginia Maldonado
Cause called. Jan Chilton argued for appellant Maldonado. Joseph P. Mascovich argued for respondent North Bay Regional Center. Cause submitted.

At this point, Ruvolo, P. J. left the bench and Sepulveda, J. rejoined the bench. Argument continued before Reardon, Acting P.J., Sepulveda, J. and Rivera, J.

A120293

Continued on next page

People

v.

Gregory Cannedy

Cause called. Gerald Engler argued for appellant State of California. Michael Rains argued for respondent Cannedy. Cause submitted.

A121087

Christopher Dolan, et al

v.

Jacqueline Pieri, et al

Cause called. Paul Utrecht argued for appellant/cross-respondent Pieri. Cross-appellant and respondent Christopher Dolan, in propria personam, argued on his own behalf. Cause submitted.

Court was adjourned at 3:10 p.m.

Tuesday, June 23, 2009(Continued)

Division Five

A123804 – In re D.G., a Person Coming Under the Juvenile Court Law. The People, v. D.G.

The judgment is affirmed. Needham, J., We Concur: Jones, P.J., Bruiniers, J.²⁸ (Not for Publication.)

A123034 – In re the Marriage of Nancy Dow Moody and Peter D. Moody. Nancy Dow Moody, v. Peter D. Moody.

The judgment (order awarding attorney fees) is affirmed. The parties shall bear their own costs on appeal. Needham, J., We Concur: Jones, P.J., Bruiniers, J.²⁹ (Not for Publication.)

Wednesday, June 24, 2009

Division One

A123206 – The People, v. Dimetri M. Revada.

After a full review of the record, we find no arguable issues and, accordingly, affirm the judgment. Graham, J.³⁰ We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

Division Two

A121224 – First Assembly of God Christian Center of Pittsburg, California, v. Bridgeway et al.

The challenged factual findings are affirmed. The seven mandates First Assembly challenges on appeal are vacated for the reasons stated herein. We remand this matter to the trial court for further proceedings consistent with this opinion. The stay

²⁸ Judge of the Superior Court of Contra Costa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

²⁹ Judge of the Superior Court of Contra Costa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

³⁰ Retired judge of the Superior Court of Marin County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

imposed by our order of May 16, 2008, is dissolved. The parties are to bear their own costs on appeal. Lambden, J., We Concur: Kline, P.J., Richman, J. (Not for Publication.)

Division Three
Wednesday, June 24, 2009(Continued)

Division Three

A120436 – The People, v. Joseph Benitez.

The judgment is affirmed. Pollak, J., We Concur: McGuiness, P.J., Siggins, J.
(Not for Publication.)

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

Wednesday, June 24, 2009

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: McGuiness, P.J., Siggins, J., and Jenkins, J.; and F. Castuera, Deputy Clerk.

A120767 The People,
v.
Andrew Bamberg.
Cause called and argued by Martin Kassman, counsel for appellant, and Christina Vomsaal, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, McGuiness, P.J. left the bench and Pollak, J. joined the bench and presided the next case.

A121628 City of Mountain View et al.,
v.
Daoro, Zydel & Holland et al.
Cause called and argued by Joseph Thomas, counsel for appellants; and Farley Neuman and Tom Prountzos, counsel for respondents and cross-appellants. Cause ordered submitted.

At this point in the proceedings, Pollak, J. left the bench and McGuiness, P.J. rejoined the bench and presided the rests of the cases.

A121047 Mario Oropeza,
v.
Law Offices of Sanford Cipinko.
Cause called and argued by Timothy Perry, counsel for appellant, and Jeremy Friedman, counsel for respondent. Cause ordered submitted.

A122771 Charles Campbell,
v.
Steven Lopez.
Cause called and argued by Steven Lopez, appearing in Propria Persona as

appellant, and Gary Alabaster, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Pollak, J. rejoined the bench and Siggins, J. left the bench.

CONTINUED

A120251 In re the Marriage of Laurie Gustin and Dale Gustin.
Laurie Dawn Gustin,
v.
Dale Irving Gustin.
Cause called and argued by Michael Lesage, counsel for appellant, and Carola Keaton, counsel for respondent. Mr. Dale Gustin appeared during rebuttal.
Cause ordered submitted.

At this point in the proceedings, Jenkins, J. left the bench and Siggins, J. rejoined the bench.

A122508 Francisco Molina,
v.
SWAT Energy Inc. et al.
Cause called and argued by Francisco Molina, appearing In Propria Persona as appellant, and Jeffrey Adams, counsel for respondent. Cause ordered submitted.

ADJOURNED

Wednesday, June 24, 2009(Continued)

Division Four

**A124788 – In re B.Y., a Person Coming Under the Juvenile Court Law.
Antoine Y., v. The Superior Court of San Francisco County, San Francisco County
Department of Human Services, R.P.I.**

The petition is denied on the merits. (§ 366.26, subd. (f); rule 8.452(i)(f).) The request for stay of the section 366.26 hearing, which is set for August 19, 2009, is denied, and our decision is final as to this court immediately. (Rule 8.264(b)(3).) Ruvolo, P.J., We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

A119313 – The People, v. Ivory Phillips, Jr.

The judgment is affirmed. Ruvolo, P.J., We Concur: Reardon, J., Rivera, J. (Not for Publication.)

Division Five

A122246 – The People, v. Deshawn Moore.

The judgment is affirmed. Jones, P.J., We Concur: Simons, J., Needham, J. (Not for Publication.)

Thursday, June 25, 2009

Division One

A120995 – The People, v. Ronald Butler.

Accordingly, the judgment is affirmed.³¹ Graham, J.³² We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

A113636 – The People, v. Rafael Diaz Casique.

By The Court: The petition for rehearing is denied. Marchiano, P.J.

³¹ We have denied defendant's petition for writ of habeas corpus (A124630) by separate order filed this date.

³² Retired judge of the Superior Court of Marin County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A123598 – In re R.M., a Person Coming Under the Juvenile Court Law. The People, v. R.M.

The jurisdictional and dispositional findings and orders are affirmed. Marchiano, P.J., We Concur: Margulies, J., Graham, J.³³ (Not for Publication.)

Thursday, June 25, 2009(Continued)

A121316, A122041 – Anastasiya Komarova, v. National Credit Acceptance, Inc.

The judgment is modified to eliminate the damages on the cause of action for intentional infliction of emotional distress and the punitive damage award. As so modified, the judgment is affirmed. The attorney fee order is reversed, with directions to reconsider the lodestar multiplier. Plaintiff is entitled to her reasonable attorney fees on appeal attributable to the defense of the judgment on her claims under the Rosenthal Act, in an amount to be determined by the trial court. The parties will otherwise bear their own costs in these appeals. Marchiano, P.J., We Concur: Margulies, J., Graham, J.³⁴ (Certified for Publication.)

Division Two

A119118 – The People, v. Harold Gene Drummond, Jr.

The judgment is affirmed. Haerle, J., We Concur: Kline, P.J., Richman, J. (Not for Publication.)

Division Three

A123713 – In re C.P., a Person Coming Under the Juvenile Court Law. The People, v. C.P.

We remand this matter to the juvenile court with instructions to calculate the amount of minor's predisposition custody credits and to credit minor accordingly. In all other regards, we affirm the juvenile court's dispositional order. Jenkins, J., We Concur: Pollak, Acting P.J., Siggins, J. (Not for Publication.)

A123310 – William Terry, v. Slico, Antonio Pimentel.

The order is affirmed. SLICO is to recover its costs on appeal. Pollak, J., We Concur: McGuiness, P.J., Jenkins, J. (Certified for Publication.)

³³ Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

³⁴ Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A121701 – The People, v. Nathaniel Lee Woodward.

The judgment is affirmed. Pollak, Acting P.J., We Concur: Siggins, J., Jenkins, J.
(Not for Publication.)

A120349 – The People, v. Ian Cook et al.

By The Court: It is ordered that the opinion filed herein on June 16, 2009, be modified as follows: On page 7, the last two sentences of the last paragraph in
Thursday, June 25, 2009(Continued)

section 2 of the Discussion, concerning Seibert's appeal, commencing with "At trial, . . . , " are deleted and replaced with the following: At trial, Seibert did not dispute the evidence that he repeatedly beat B.J. on his back with a bamboo stick and that B.J. has five to seven "slashes" and some bruising on his back. Even if Seibert did not inflict blows to B.J.'s head, the jury could reasonably have concluded that the injuries he did inflict were significant enough to amount to great bodily injury or that "the cumulative effect of all of the unlawful physical force would result in great bodily injury" to B.J. (CALJIC No. 17.20.) We thus reject Seibert's additional contention that his attorney was ineffective in failing to request an instruction clarifying or expanding on CALJIC No. 17.20. Whether or not such an additional instruction should reasonably have been requested, its omission caused no prejudice. The petition for rehearing is denied. There is no change in the judgment. Pollak, J. Acting, P.J. (Not for Publication.)

Division Five

A122179 – Margaret A. Seltzer, v. The Headlands Homeowners Association et al.

The order is affirmed. Costs to respondent. Simons, J., We Concur: Jones, P.J., Needham, J. (Not for Publication.)

Friday, June 26, 2009

Division One

A124025 – The People, v. Armando B. Castro.

The judgment is modified to strike the section 1202.45 fine, reduce the section 290.3 fines to \$800, and strike the no contact order. In all other respects, the judgment is affirmed. The case is remanded for a determination of presentence custody credits,

and preparation of amended abstract of judgment specifying those credits, to be forwarded to the Department. Marchiano, P.J., We Concur: Margulies, J., Graham, J.³⁵ (Not for Publication.)

A121750 – In re R.J. et al., Persons Coming Under the Juvenile Court Law. San Francisco City and County Department of Human Services, v. R.J. et al.

The judgment of the trial court is affirmed. Margulies, J., We Concur: Marchiano, P.J., Graham, J.³⁶ (Not for Publication.)

Friday, June 26, 2009(Continued)

A121995 – The People, v. Charles Benton.

The judgment is affirmed. Marchiano, P.J., We Concur: Margulies, J., Graham, J.³⁷ (Not for Publication.)

A122124 – The People, v. Wallis S. Williams.

The judgment is affirmed. Marchiano, P.J., We Concur: Margulies, J., Graham, J.³⁸ (Not for Publication.)

Division Two

A121033 – The People, v. Corina Carter.

The judgment is affirmed. Lambden, J., We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Division Four

A122928 – Fred Andy Ivey etc., et al., v. City of Oakland.

The order sustaining the City's demurrer and dismissing the complaint as against the City is construed as a judgment in favor of the City. As so construed, it is affirmed. The City is awarded its costs on appeal. Ruvolo, P.J., We Concur: Reardon, J., Rivera, J. (Not for Publication.)

³⁵ Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

³⁶ Retired judge of the Superior Court of Marin County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

³⁷ Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

³⁸ Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A122255 – The People, v. Douglas Anderson.

The judgment is affirmed. Rivera, J., We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

A123714 – In re J.G., a Person Coming Under the Juvenile Court Law. The People, v. J.G.

The order is affirmed. Rivera, J., We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

A122156 – Starla Cooper, v. Golden Gate Reporters, LLC.

The judgment and the attorney fees award are affirmed. Reardon, J., We Concur: Ruvolo, P.J., Rivera, J. (Not for Publication.)

Friday, June 26, 2009(Continued)

Division Five

A122264 – Charisma R., v. Kristina S.

The trial court's orders are affirmed, except as to allocation of Charisma's travel expenses for the reunification process. On that issue, we reverse and remand with directions that the court exercise its discretion. Costs on appeal are awarded to Charisma. Simons, Acting P.J., We Concur: Needham, J., Bruiniers, J.³⁹ (Certified for Partial Publication.)

A121650 – Troy Richardson, v. Konstantinos Makris.

The case is remanded to the trial court so it can explain its statement of decision more fully. In all other respects, the judgment is affirmed. The parties shall bear their own costs. Jones, P.J., We Concur: Simons, J., Needham, J. (Not for Publication.)

A124322 – The People, v. Henry H.

The judgment is affirmed. Bruiniers, J.⁴⁰ We Concur: Jones, P.J., Simons, J. (Not for Publication.)

³⁹ Judge of the Contra Costa Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

⁴⁰ Judge of the Contra Costa County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Monday, June 29, 2009

Division One

A122629 – Joe Abuzaid, individually and on behalf of the City and County of San Francisco, v. Pier 39 Limited Partnership.

The judgment of the trial court is affirmed. Margulies, J., We Concur: Marchiano, P.J., Graham, J.⁴¹ (Not for Publication.)

Division Three

A122638 – In re I.G., a Person Coming Under the Juvenile Court Law. Alameda County Social Services Agency, v. J.B. et al.

The jurisdiction and disposition orders are reversed. Pollak, J., We Concur: McGuiness, P.J., Siggins, J. (Not for Publication.)

Monday, June 29, 2009(Continued)

A122508 – Francisco Molina, Jr., v. S.W.A.T. Energy, Inc., et al.

The judgment is affirmed. Defendants shall recover their costs on appeal. Pollak, J., We Concur: McGuiness, P.J., Siggins, J. (Not for Publication.)

A118811 – Diddo Clark, v. Louise Clark, et al.

The post judgment order granting, in part, Diddo Clark's motion for judgment notwithstanding the verdict, is reversed. Louise Clark is to recover her costs on appeal. The appeals by Steven Clark and the trustees of the Clark Family Trust are dismissed. McGuiness, P.J., We Concur: Pollak, J., Jenkins, J. (Not for Publication.)

Division Four

A122743 – The People, v. Robert Eugene Crince.

The order imposing \$637.50 in attorney fees pursuant to section 987.8 is hereby vacated, and the matter is remanded to the trial court for further proceedings under that statute. In all other respects, the judgment of conviction is affirmed. Ruvolo, P.J., We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

⁴¹ Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A122358 – The People, v. Bradley Terrance Wilson.

The appeal is hereby dismissed. Ruvolo, P.J., We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

Division Five

A122009 – Edward J. Mooradian, Jr., v. Convalescent Center Mission Street.

The judgment is affirmed. Center is to recover costs on appeal. Bruiniers, J.⁴² We Concur: Jones, P.J., Needham, J. (Not for Publication.)

A123884 – The People, v. Demetrois Dixon.

The judgment is affirmed. Jones, P.J., We Concur: Simons, J., Bruiniers, J.⁴³ (Not for Publication.)

A123871 – The People, v. James M. Ball.

Monday, June 29, 2009(Continued)

The judgment is affirmed. Jones, P.J., We Concur: Simons, J., Needham, J. (Not for Publication.)

Tuesday, June 30, 2009

Division One

A119756 – Elaine Chiu, v. Shi Hyun Kim.

Accordingly, the judgment is affirmed. Costs on appeal are awarded to defendant. Graham, J.⁴⁴ We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

⁴² Judge of the Contra Costa County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

⁴³ Judge of the Superior Court of Contra Costa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

⁴⁴ Retired judge of the Superior Court of Marin County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A118573 – The People, v. Jimmy Lee Blunt.

The judgment of the trial court is affirmed. Margulies, J., We Concur: Marchiano, P.J., Graham, J.⁴⁵ (Not for Publication.)

A122093 – In re J.W., a Person Coming Under the Juvenile Court Law. The People, v. J.W.

The jurisdictional and dispositional findings and orders are affirmed. Marchiano, P.J., We Concur: Margulies, J., Graham, J.⁴⁶ (Not for Publication.)

A119065 – Jim Petropoulos, v. Department of Real Estate.

The order denying fees is affirmed. Margulies, J., We Concur: Marchiano, P.J., Graham, J.⁴⁷ (Not for Publication.)

A123472 – The People, v. Deonte Traylor.

We find no arguable issues that require further briefing, and accordingly affirm the judgment. Margulies, J., We Concur: Marchiano, P.J., Graham, J.⁴⁸ (Not for Publication.)

Tuesday, June 30, 2009(Continued)

Division Two

A117180 – Rose Jones, v. Regents of the University of California et al.

The judgment is affirmed. Richman, J., We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Division Three

A121756 – City of Richmond, v. Richmond Police Officers' Association.

⁴⁵ Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

⁴⁶ Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

⁴⁷ Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

⁴⁸ Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

The trial court's decision to vacate the arbitration award is affirmed. Costs are awarded to the City of Richmond. Jenkins, J., I Concur: McGuiness, P.J., (See Concurring Opinion by J. Siggins). (Not for Publication.)

A121628 – City of Mountain View et al., v. Daoro, Zydel & Holland et al.

The judgment and postjudgment orders are affirmed. Defendants are awarded their costs on appeal. Siggins, J., We Concur: Pollak, Acting P.J., Jenkins, J. (Not for Publication.)

A121047 – Mario Oropeza, v. Law Offices of Sanford M. Cipinko.

The order is affirmed. Siggins, J., We Concur: McGuiness, P.J., Jenkins, J. (Not for Publication.)

A122771 – Charles Campbell et al., v. Steven Lopez.

The judgment is deemed amended to include in paragraph seven the book by Christiansen, Kanter and Strehlke entitled Painting in Renaissance Sienna 1420-1500. In all other respects, the judgment and order granting the application for a temporary restraining order are affirmed. Siggins, J., We Concur: McGuiness, P.J., Jenkins, J. (Not for Publication.)

A120251 – In re the Marriage of Dale Irving Gustin and Laurie Dawn Gustin. Dale Irving Gustin, v. Laurie Dawn Gustin.

The judgment is affirmed. Respondent shall recover her costs on appeal. Respondent's request for monetary sanctions against Appellant for filing a frivolous appeal is denied for failure to comply with California Rules of Court, rule 8.276(b). McGuiness, P.J., We Concur: Pollak, J., Jenkins, J. (Not for Publication.)

A120767 – The People, v. Andrew Bamberg.

The judgment is affirmed. McGuiness, P.J., We Concur: Siggins, J., Jenkins, J. (Certified for Partial Publication.)

Tuesday, June 30, 2009(Continued)

A123299 – Ricardo Cervantes, v. Craig E. Johnson et al.

The judgment is affirmed. Jenkins, J., We Concur: McGuiness, P.J., Siggins, J. (Not for Publication.)

A122791 – The People, v. Shawna Lea Brown.

The order denying appellant's petition brought pursuant to section 851.8, is hereby affirmed. Ruvolo, P.J., We Concur: Reardon, J., Rivera, J. (Not for Publication.)

A121539 – Anthony Beninati, v. Black Rock City, LLC.

We affirm the summary judgment. Black Rock is awarded its costs on appeal. Ruvolo, P.J., We Concur: Reardon, J., Sepulveda, J. (Certified for Publication.)

Division Five

A118592 – Sheryl Fernandez, v. Bill Beaton.

By The Court: The Petition for rehearing is denied. Jones, P.J.

A121823 – The People, v. Michael Leon Montoya.

The judgment is affirmed. Jones, P.J., We Concur: Needham, J., Bruiniers, J.⁴⁹ (Not for Publication.)

A120591, A120145, & A120151 – Consumer Privacy Cases.

The judgment is affirmed. Bruiniers, J.⁵⁰ We Concur: Jones, P.J., Simons, J. (Certified for Partial Publication.)

⁴⁹ Judge of the Superior Court of Contra Costa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

⁵⁰ Judge of the Contra Costa County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.